

Juvenile Detainmentment Petition Update

Arizona Juvenile Justice Commission

May 4, 2023



JJDP Act 2018 Reauthorization

Requirement for juveniles charged as adults

- **Came into effect December 2021**
- **Requires sight and sound separation from adult inmates**
- **Allows courts to determine appropriate placement in juvenile or adult facilities**
- **“Interest of Justice” (IOJ) exception**



Interest of Justice (IOJ) Exception

- **Criminally-charged juveniles may be placed in adult facilities if court determines IOJ finding**
- **Court makes IOJ finding in writing after consideration of seven factors**
- **Every thirty days court must hold hearing to review IOJ factors to determine if continued placement in adult facility is appropriate**
- **Juvenile must be removed from adult facility after 180 days unless court determines an extension is necessary or juvenile waves this limitation**

Federal Factors for Making IOJ Determination

- **Age of juvenile**
- **Physical and mental maturity of juvenile**
- **Present mental state of juvenile, including whether juvenile presents imminent risk of harm to self**
- **Juvenile's history of prior delinquent acts**
- **Relative ability of the available adult and juvenile detention facilities to meet needs of juvenile and protect public safety and other detained youth**
- **Any other relevant factor**





Conforming State Statute to Align with Federal Requirements

ARS § 8-305

- **Modified during the 2022 legislative session with SB 1073**
- **Gives judicial discretion as to where juveniles charged as adults can be held**
- **Judicial finding based on federal requirements**
- **Permits the juvenile court director to request reconsideration of placement for juveniles held in their detention center**

Rule Change Process

Rule changes impacted both juvenile and criminal (adult) court rules

Rules approved on emergency basis in December 2022 based on state and federal statutory changes

Court will decide to permanently adopt changes in August

Criminal Rule Changes

Allows 30-day review hearings to be held virtually

Includes list of factors used to determine where juvenile should be detained

Court must document appropriateness of placement for juveniles held in adult jails every 30 days

Requires 180-day limit for detaining juveniles in jail; court must document when extension needed

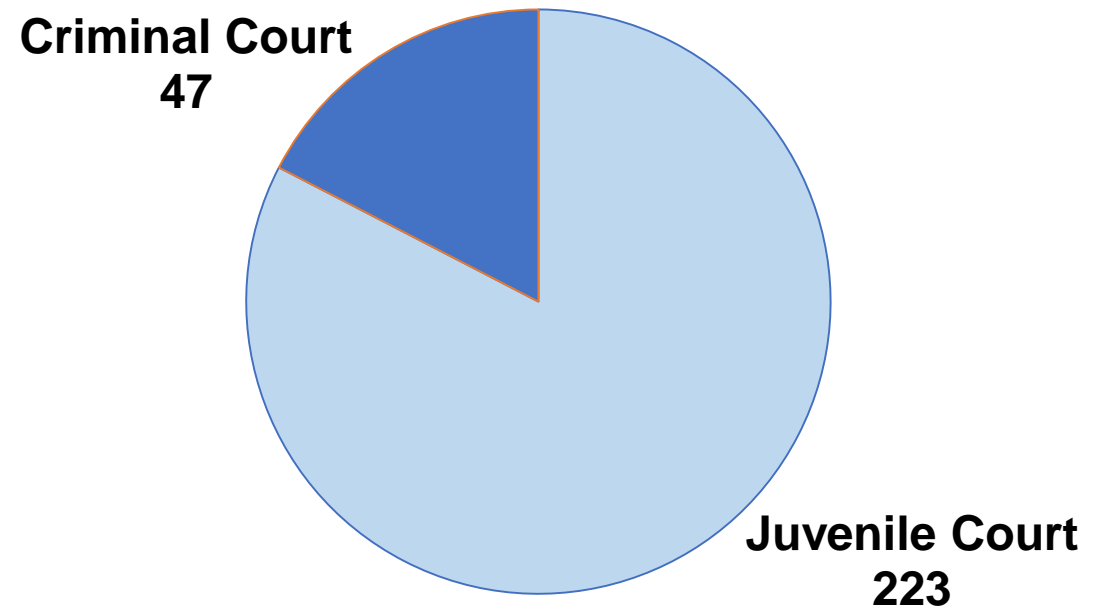
Juvenile Rule Change

Requires IOJ criteria to determine placement of juvenile in post-transfer hearings

Population in Juvenile Detention Snapshot

- **270 juveniles in juvenile detention on 4/18/23**
- **47 charged in criminal court**
- **45 housed in Maricopa Durango Juvenile Detention**
- **Remaining 2 housed in Pima and Pinal counties**

Detained Statewide



Thank you

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